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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/929,832

08/13/2001

Alvin Maddux

510-000110US

8840

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7590

02/08/2005

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

P O BOX 458

ALAMEDA, CA 94501

EXAMINER

CHOW, CHIH CHING

ART UNIT

PAPER NUMBER

2122

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 09/929,832 | Applicant(s) MADDUX ET AL. | |
| | Examiner Chih-Ching Chow | Art Unit 2122 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-58 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the application filed on August 13, 2001.
2. The priority date considered for this application is August 14, 2000, which is the filing date of the provisional application no. 60/225,567.
3. Claims 1-58 are presented for examination.
4. A telephone call requesting Mr. LeBlanc to discuss the following restrictions was intended on 12/02/2004, but the Examiner was told that Mr. LeBlanc will be out of the office till 12/30/04.
5. A phone call received on 12/20/2004 from Mr. LeBlanc's office indicated that Mr. LeBlanc was, in fact, back in town. The Examiner has attempted to contact Mr. LeBlanc on 12/21/2004 and left a call back request message.
6. The Examiner tried to contact Mr. LeBlanc again on 1/7/2005, and also left a call back request message.
7. As of today, 02/03/2005, Mr. LeBlanc could not be reached, thus examiner is issuing this restriction action.

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
Group I. Claims 1-15, 20, 21, and 51-56: Software deployment method using network, configuration detection application, obtaining configuration

parameters, using ESD, PXE, five tiers of computer layouts, hardware and software configurations, bandwidth capacity control, etc, are classified in class 709 (Multicomputer data transferring), subclass 220 (Network computer configuring) and 223 (Computer Network managing).

Group II. Claims 22-25, 39-41, 57, 58: Utilizing a script engine read input parameters, initiating instructions, building an installation file, installing software at the target machine and rollback to original version, etc. are classified in class 717 (Software Development, installation and management), subclass 174 (software installation) and 176 (software installation using network).

Group III. Claims 16-19, 26-38: Visual Driver Management, Visual OS Manager Custom generation of O.S. installation, and Visual Package Manager, GUI for user interface, restore O.S. driver's version, etc. are classified in class 719 (Interprogram Communication or interprocessor communication), subclass 327 (Device Drive Configuration).

Group IV. Claims 42-44: Operating a deployment database etc, are classified in class 707 (Database and File Management), and subclass 102 (Generating database or data structure).

Group V. Claims 45-50: A client/server application with a browser based GUI that permits a user to select microcomputer and apply an operating system configuration, etc, are classified in class 715 (Operator Interface Processing), subclass 744 (Interface customization or adaption).

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, III, IV and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as usable together and have different functions. Inventions I, II, III, IV and V are directed to different subject matters as such multicomputer data transferring, interprogram communication configuration, software installation, and database generation as noted above respectively.

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2. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

3. Because these inventions are distinct for the reasons given above and the search required of Group I, II, III, IV and V do not require the same search as required for the other groups, restriction for examination purposes as indicated is proper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Ching Chow whose telephone number is 571-272-3693. The examiner can normally be reached on 7:00am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Chih-Ching Chow

Examiner

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CC

A handwritten signature in black ink, appearing to read 'Tuan Dam', with a long horizontal flourish extending to the right.

TUAN DAM
SUPERVISORY PATENT EXAMINER